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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jury

08 CR 00899BTM

|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA,   | ) | Criminal Case No. _____            |
|                             | ) |                                    |
| Plaintiff,                  | ) | <u>I N D I C T M E N T</u>         |
|                             | ) |                                    |
| v.                          | ) | Title 18, U.S.C., Sec. 371 -       |
|                             | ) | Conspiracy; Title 8, U.S.C.,       |
| FRANCISCO DEL TORO (1),     | ) | Sec. 1324(a)(2)(B)(ii) -           |
| DIONERY MEDINA-SOTO (2),    | ) | Bringing in Illegal Aliens for     |
| REYNALDO CRUZ-GONZALEZ (3), | ) | Financial Gain; Title 18, U.S.C.,  |
|                             | ) | Sec. 2 - Aiding and Abetting;      |
| Defendants.                 | ) | Title 8, U.S.C.,                   |
|                             | ) | Secs. 1324(a)(1)(A)(iii) and       |
|                             | ) | (v)(II) - Harboring Illegal Aliens |
|                             | ) | and Aiding and Abetting            |

The grand jury charges:

Count 1  
(Conspiracy)

Beginning on a date unknown to the grand jury and continuing up to and including on or about March 3, 2008, in San Diego County, within the Southern District of California, and elsewhere, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, and others known and unknown to the Grand Jury, conspired and agreed with each other to commit the following offense against the United States:

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1 To bring to the United States for the purpose of obtaining  
2 private financial gain, aliens, knowing and in reckless disregard of  
3 the fact that such aliens had not received prior official  
4 authorization to come to, enter, or reside in the United States, in  
5 violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

6 MANNERS AND MEANS

7 The objects of the conspiracy were to be accomplished, in  
8 substance, as follows:

9 1. Aliens who had not received prior official authorization to  
10 come to, enter, or reside in the United States, would meet with known  
11 and unknown co-conspirators in Mexico and arrange to be smuggled into  
12 the United States in exchange for payment of a fee.

13 2. Defendants DIONERY MEDINA-SOTO, REYNALDO CRUZ-GONZALEZ, and  
14 unknown co-conspirators, would smuggle the illegal aliens across the  
15 Mexican border into the United States in the trunks of vehicles.

16 3. Defendants DIONERY MEDINA-SOTO, REYNALDO CRUZ-GONZALEZ, and  
17 unknown co-conspirators, would transport the aliens to a house located  
18 at 21 East 2nd Street, National City, California (hereinafter "the  
19 Load House").

20 4. Defendant FRANCISCO DEL TORO would harbor, conceal, and  
21 shield from detection the smuggled aliens at the Load House until the  
22 aliens were transported and moved to another location within the  
23 United States en route to their ultimate destination.

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OVERT ACTS

In furtherance of said conspiracy and to effect and accomplish the objects thereof, the following overt acts, among others, were committed within the Southern District of California, and elsewhere:

1. On or about or before February 14, 2008, unknown co-conspirators brought aliens, including Mariana Gonzalez-Perez, Ricardo Guinto-Gonzalez, and Margarito Sevillano-Garcia (hereinafter "the February 14th Aliens") across the Mexican border into the United States.
2. On or about February 14, 2008, unknown co-conspirators transported the February 14th Aliens to the Load House.
3. On or about February 14, 2008, defendant FRANCISCO DEL TORO harbored, concealed, and shielded from detection the February 14th Aliens at the Load House.
4. On or about February 14, 2008, co-conspirator Diego Torres (charged elsewhere) transported and moved the February 14th Aliens in a vehicle northbound on the Interstate 15 freeway.
5. On or about or before March 3, 2008, defendant DIONERY MEDINA-SOTO brought aliens, including Felipe Barba-Garcia and Manuel Leyva-Romero (hereinafter "the March 3rd Aliens") across the Mexican border into the United States through the San Ysidro, Port of Entry.
6. On or about March 3, 2008, defendant DIONERY MEDINA-SOTO transported the March 3rd Aliens to the Load House.
7. On or about or before March 3, 2008, defendant REYNALDO CRUZ-GONZALEZ brought aliens across the Mexican border into the United States through the San Ysidro, Port of Entry.

1       8.    On or about March 3, 2008, defendant REYNALDO CRUZ-GONZALEZ  
2       transported the aliens to the Load House.

3       9.    On or about March 3, 2008, defendant FRANCISCO DEL TORO  
4       harbored, concealed, and shielded from detection the  
5       March 3rd Aliens at the Load House.

6 All in violation of Title 18, United States Code, Section 371.

7                               Count 2  
8       (Bringing in Illegal Aliens for Financial Gain)

9       On or about March 3, 3008, within the Southern District of  
10 California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and  
11 REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration  
12 laws of the United States, knowing and in reckless disregard of the  
13 fact that an alien, namely, Manuel Leyva-Romero, had not received  
14 prior official authorization to come to, enter and reside in the  
15 United States, did bring to the United States said alien for the  
16 purpose of commercial advantage and private financial gain; in  
17 violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii),  
18 and Title 18, United States Code, Section 2.

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Count 3

(Bringing in Illegal Aliens for Financial Gain)

On or about March 3, 2008, within the Southern District of California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Felipe Barba-Garcia, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Count 4

(Bringing in Illegal Aliens for Financial Gain)

On or about March 3, 2008, within the Southern District of California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, whose name is unknown to the grand jury, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

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(Bringing in Illegal Count 5 Aliens for Financial Gain)

On or about February 11, 2008, within the Southern District of California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Patricia Rumbo-Magana, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Count 6  
(Harboring Illegal Aliens)

On or about March 3, 2008, within the Southern District of California, defendant FRANCISCO DEL TORO, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Manuel Leyva-Romero, had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection and attempt to conceal, harbor and shield from detection such alien in a building located at 21 East 2nd Street, National City; in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (v)(II).

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Count 7  
(Harboring Illegal Aliens)

On or about March 3, 2008, within the Southern District of California, defendant FRANCISCO DEL TORO, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Felipe Barba-Garcia, had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection and attempt to conceal, harbor and shield from detection such alien in a building located at 21 East 2nd Street, National City; in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (v)(II).


DATED: March 26, 2008.

A TRUE BILL:

  
Foreperson

KAREN P. HEWITT  
United States Attorney

By:

  
REBECCA S. KANTER  
Assistant U.S. Attorney